

ORIGINAL

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In The Matter of

Amendment of Section 73.202(b))
Table of Allotments) RM-
FM Broadcast Stations)
(Grover City, Grover Beach, California))
POCKET FILE COPY ORIGINAL

To: Chief, Mass Media Bureau

PETITION FOR RULE CHANGE

Photosphere Broadcasting LLC ("Photosphere"), the licensee of FM broadcast station KQJZ, Grover City, California, hereby requests the Commission to amend Section 73.202(b) of its rules to change the name of KQJZ's community of license from Grover City to Grover Beach, California. This request does not represent a substantive change in the Table of FM Allotments, but rather results from a change in the name of Grover City to Grover Beach. Because the change is in name only, and does not substantively affect the FM Table of Allotments, the Commission may adopt the proposed amendment without the need for prior notice. See 47 C.F.R. Section 1.412(c). In support hereof the following is shown.

Photosphere is the licensee of KQJZ(FM), Channel 297B, at Grover City. The Commission allotted Channel 297B to Grover City in 1990, when it upgraded the previous Class B1 allocation. See FM Table of Allotments (Grover City, CA), 5 FCC Rcd 1346 (MM Bur. 1990). Effective December 1, 1992, following passage of a City Council Ordinance, a voter referendum, and the Resolution of the City Council following the voters' approval of the name change, Grover City became Grover Beach. See Exhibit 1 hereto, containing copies of the

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HMB

Notice of City Name Change, City Council Resolution No. 92-84, Certificate of County Clerk, and Ordinance No. 92-1.

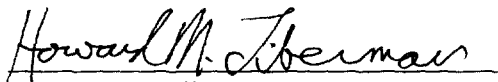
Because the name of Grover City has changed to Grover Beach, Photosphere is requesting the Commission to bring its Table of FM Allotments into accord with the community's new name. This is a ministerial change only. There is no change in the reference coordinates for Channel 297B, or any other aspect of the FM Table. Because Photosphere is not proposing a change in the community of license, but only an update of the community's name, Section 1.420(i) of the rules is inapplicable.

Further, because this is a ministerial change which does not affect substantively the FM Table, it is unnecessary for the Commission to require notice and comment prior to adopting the proposed amendment. Pursuant to Section 1.412(c), the Commission may amend its rules without prior notice in any situation in which the Commission finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. Because the name change does not affect any substantive aspect of the FM Table, requiring prior notice and public comment will only result in the Commission expending unnecessary resources and cause unnecessary delay in conforming the FM Table to the current name of the community.

WHEREFORE, for the foregoing reasons, Photosphere respectfully requests that the Commission amend Section 73.202(b) of its rules, the Table of FM Allotments, to change the name of Grover City, California, to Grover Beach, California.

Respectfully submitted,

PHOTOSPHERE BROADCASTING LLC

By: 
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Its Attorneys

April 21, 1998

EXHIBIT 1

CITY OF GROVER BEACH

Mayor Lowell Forster

Mayor Pro Tem Fred Munroe

Council Member Gene Gates

Council Member Peter Keith

Council Member Ronald Amelien

December 4, 1992

NOTICE OF CITY NAME CHANGE

On November 3, 1992, the voters of the City of Grover City voted to change the name to Grover Beach. This was the result of an Ordinance adopted by the City Council on February 18, 1992, which changed the name. A referendum petition was filed within the allotted 30-day period, and the issue was placed on the November 3rd ballot.

Attached is a certified copy of Resolution No. 92-84 which accepted the canvas of the vote of the election and a copy of Ordinance No. 92-1. This Resolution was adopted on December 1, 1992. At that time the name change became effective.

Should you need any additional information, please contact the City Clerk.


Patricia A. Risoldi, CMC
Personnel Manager/City Clerk

RESOLUTION NO. 92-84

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GROVER CITY
ACCEPTING THE COUNTY CLERK'S CERTIFICATE - RESULTS OF CANVASS
OF ALL VOTES CAST FOR THE CITY'S GENERAL MUNICIPAL ELECTION
HELD ON NOVEMBER 3, 1992, IN CONJUNCTION WITH THE STATEWIDE
GENERAL ELECTION**

WHEREAS, on November 3, 1992, a General Election was held in the County of San Luis Obispo; and

WHEREAS, included on the ballot for said General Election was a listing of candidates for "Member of the City Council" for the City of Grover City in their scheduled General Municipal Election; and

WHEREAS, also included on the ballot was a measure entitled "Measure E" which asked if Ordinance No. 92-1 should be adopted changing the name of the City from Grover City to Grover Beach; and

WHEREAS, the Clerk conducting the General Election was the County Clerk of the County of San Luis Obispo; and

WHEREAS, the County Clerk did, in fact, conduct said Election and canvass the returns of the votes cast at said General Election held on November 3, 1992, and did provide said results of canvass to the Office of the City Clerk, City of Grover City, a copy of which is attached and incorporated as a part of this document;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Grover City does hereby accept the County Clerk's Certificate - Results of Canvass of All Votes Cast for the City's General Municipal Election Appearing on the November 3, 1992, General Election Ballot.

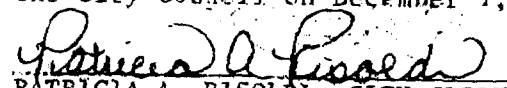
PASSED, APPROVED and ADOPTED this 1st day of December, 1992.


MAYOR CHUCK COMSTOCK

ATTEST:


PATRICIA A. RISOLDI, CITY CLERK

I, Patricia A. Risoldi, City Clerk for the City of Grover Beach, do hereby certify that this is a true and correct copy of Resolution No. 92-84 which was adopted by the City Council on December 1, 1992.


PATRICIA A. RISOLDI, CITY CLERK

CERTIFICATE OF COUNTY CLERK
RESULTS OF CANVASS OF ALL VOTES CAST AT THE
GENERAL ELECTION
NOVEMBER 3, 1992
CITY OF GROVER CITY MEASURE "E"

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN LUIS OBISPO)

I, FRANCIS M. COONEY, County Clerk-Recorder of the County of San Luis Obispo, do hereby certify that pursuant to law I did canvass the returns of the votes cast at the above referenced election in said City on November 3, 1992, and that a xerox copy of the Statement of Votes Cast (the original of which is on file in the Office of the County Clerk) to which this certificate is attached shows the number of votes cast in said City for and against said Measure "E" and that the totals shown for and against said Measure "E" in said City, and in each of the respective precincts therein, are full, true and correct.

MEASURE "E": "Shall the ordinance to change the name of the City to "Grover Beach" be adopted?"

WITNESS, my hand and Official Seal this 24 day of November, 1992.


FRANCIS M. COONEY, County Clerk-Recorder

ORDINANCE NO. 92-1**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF GROVER CITY CHANGING THE NAME
FROM GROVER CITY TO GROVER BEACH**

WHEREAS, the City of Grover City was incorporated on December 21, 1959; and

WHEREAS, since incorporation the community has grown into a full service City with balance of commercial, industrial and residential uses and a home for almost twelve thousand (12,000) of the finest citizens in the County of San Luis Obispo; and

WHEREAS, the citizens of Grover City desire that their community be identified with the natural beauty and wonder of the Central Coast as well as the founder of the original community, D. W. Grover;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GROVER CITY AS FOLLOWS:

Section 1: The name of the City of Grover City is hereby changed to "Grover Beach".

Section 2: The City Clerk shall file a copy of the ordinance with the Secretary of State, the San Luis Obispo County Board of Supervisors and the San Luis Obispo Local Agency Formation Commission (LAFCo) within ten (10) days of the effective date.

Section 3: This Ordinance shall take effect thirty (30) days after its passage, and within fifteen (15) days after its passage, it shall be posted in three (3) public places within the City of Grover City, to wit:

Ordinance No. 92-1

1. City Hall, 154 S. Eighth Street, Grover City, CA 93483;
2. United State Post Office, 917 Grand Avenue, Grover City, CA 93433;
3. Grover City Chamber of Commerce, 177 S. Eighth Street, Grover City, CA 93433.

INTRODUCED at a regular meeting of the City Council held on February 3, 1992, and PASSED and ADOPTED by the City Council on February 18, 1992, on the following roll-call vote, to wit:

AYES: Munroe, Keith, Gates, Mayor Comstock

NOES: Forister

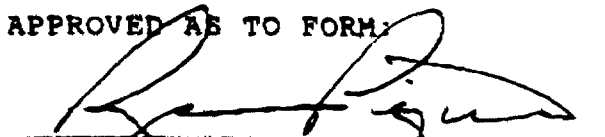
ABSENT: None


MAYOR CHUCK COMSTOCK

ATTEST:


PATRICIA A. RISOLDI, CITY CLERK

APPROVED AS TO FORM:


ROGER PICQUET, CITY ATTORNEY